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EXAMINER

GODENSCHWAGER, PETER F

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed December 1, 2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the specific environment to which the claimed method is practiced, and that the method is aimed at preventing hydrogen chloride formation as opposed to neutralizing hydrogen chloride) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). There are no limitations in the instant claims that would exclude the method of Shimura. A boiler is a unit that generates steam, therefore, whether idle or active, it can still be described as such. Furthermore, the fact that the method of Shimura is not directed to preventing corrosion that occurs in the air or head space in the boiler does not appear to be relevant as such limitations are not present in the instant claims.

Regarding the arguments concerning the combination of Vercammen (US Pat. No. 7,279,0889) and Shimura et al. (JP Pub. No. 2002-129366A) particularly that Vercammen is solving a problem particular to the oil refinery industry which is a different environment than a boiler, while Vercammen teaches specifically using a choline ammonium salt for neutralization of ammonium chloride or ammonium sulphates, the broad teaching that choline has advantages for quenching acids to prevent corrosion over other amines would be enough to suggest to one of ordinary skill in the art to use choline in place of an amine for such a purpose. Such advantages as taught by Vercammen include the fact that the choline ammonium salts do not form a sticky

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solid as opposed to amines, and also the product of the neutralization is not an acidic ammonium salt which by itself could also cause corrosion (2:35-45 and 3:25-28).

Applicants argue that Braden teaches away from use of (β -hydroxyethyl) trimethylammonium hydroxide as Braden teaches using blends of neutralizing amines. However, the fact that Braden teaches using blends, would not teach away from including (β -hydroxyethyl) trimethylammonium hydroxide as a component of such a blend. Furthermore, the instant claims do not exclude additional components such as other amines from being present. In addition, the advantages suggested by Vercammen for using choline, including the fact that the choline ammonium salts do not form a sticky solid as opposed to amines, and also the product of the neutralization is not an acidic ammonium salt which by itself could also cause corrosion (2:35-45 and 3:25-28) would be enough to suggest to one of ordinary skill in the art that it would be effective. While the argument concerning the unpredictability of amines is noted, specifically the failure of monoethanolamine and dimethylethanolamine to inhibit or neutralize hydrogen chloride, Vercammen specifically teaches that choline hydroxide performs the function that it is supposed to function, namely neutralization of acids, therefore, it would be predictable for choline hydroxide to effectively neutralize acids.

The claim objections to claims 5, 6, and 8 are withdrawn in light of Applicant's amendment.

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER F. GODENSCHWAGER whose telephone number is (571)270-3302. The examiner can normally be reached on Monday-Friday 7:30-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on (571) 272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/P. F. G./
Examiner, Art Unit 1796
December 8, 2008